

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>KAMARDEEN OGUNLEYE,</b>	§	
<b>Petitioner,</b>	§	
	§	
	§	
<b>v.</b>	§	<b>3:14-CV-4342-D</b>
	§	<b>(3:14-CR-028-D)</b>
<b>UNITED STATES OF AMERICA,</b>	§	
<b>Respondent.</b>	§	

**ORDER**

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Petitioner's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 is dismissed without prejudice to petitioner's reasserting it after the United States Court of Appeals for the Fifth Circuit has ruled on his direct criminal appeal. Petitioner is advised that there is a one year statute of limitations for filing motions to vacate, set aside, or correct sentence that will apply to any subsequent § 2255 motion that he files in this court. *See* 28 U.S.C. § 2255(f)(1)-(4).

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable

whether [this court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

If petitioner files a notice of appeal,

- ( ) petitioner may proceed *in forma pauperis* on appeal.  
 petitioner must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

**SO ORDERED.**

April 28, 2015.

  
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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE